REMARKS

In the Office Action mailed June 10, 2002, the Examiner advised Applicants that should claim 12 be found allowable, claim 13 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. Accordingly, Applicants request cancellation of claim 13 in this response.

The Examiner also rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592). The following responsive comments are provided in support of pending claims 1-12 and 14-17.

Claim Rejections - 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over <u>Dedrick</u> (U.S. Patent No. 5,724,521) in further view of <u>Angles</u> et al. (U.S. Patent No. 6,385,592). Applicants submit the following arguments in support of the distinguishable patentability of the claimed invention over the cited references.

With regard to claim 1, the Examiner stated that <u>Dedrick</u> discloses "renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee; selecting an attribute to be associated with the marketing object container, wherein the first party associates the attribute with the marketing object container (col. 4 lines 16-35;

col. 5 lines 5-53); and sending the selected attribute to be associated with the marketing object container (col. 4 lines 16-48; col. 5 lines 5-53), in the context of associating the chosen attributes with the identified advertisements" (paragraph 5, page 3 of the Office Action).

The Examiner also conceded that "Dedrick does not specifically disclose sending the selected attribute to be automatically associated with the marketing object container" (first full paragraph, page 4). Also, the Examiner cited Angles et al. which discloses "HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching *presentation* and *linking attributes* to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document or ("HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to *parse* and *display* the document. In addition to specifying how the Web browser is to *display* the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyperlinks") (col. 6 lines 37-54)" (emphasis added) (page 4 to first paragraph, page 5 of the Office Action). Angles et al. provides support for the display and presentation formatting of content on a Web browser, not marketing attributes as disclosed and claimed by the Applicants, which is further explained below.

The Examiner stated that the "...disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose sending the selected attribute to be automatically associated with the marketing object container, as disclosed by Angles et al., because this simplifies for the user access to desired information from advertiser's and others." Applicants respectfully submit that the claimed invention is not obvious given the cited combination of Dedrick and Angles et al. Attributes or the automatic association thereof, as claimed by Applicants, are not obvious in light of Dedrick, Angles et al., or the combination of these references. The combination of the consumer variables disclosed by Dedrick and the HTML tags disclosed by Angles et al. does not yield the Applicants' claimed invention.

In claim 1, attributes are assigned to a marketing object container. Attributes, as defined in the specification (e.g., paragraph 1, page 16) refer to marketing attributes. Marketing attributes include marketing campaigns and features involved with merchandising, scheduling, behavior-driven targeting of marketing material, and profile-drive targeting of marketing material (e.g., paragraph 1, page 16). With regard to the Examiner's rejection, the consumer variables of Dedrick are not marketing attributes as disclosed and claimed by the Applicants.

The selected consumer variables are not the marketing attributes of the Applicants' claimed invention. Dedrick defines consumer variables as referring "...to demographic, psychographic, and other *profile* information" (emphasis added) (column

3, lines 35-36). Marketing attributes which refer to a marketing campaign or advertisement are not user profiles. <u>Dedrick</u> discloses consumer variables, which is information related to end users and not marketing material or advertisements.

<u>Dedrick</u> discloses that "...the software tools provided to the publisher/advertiser 18 include software tools for embedding variables within electronic information. The embedded consumer variables enable a client activity monitor and a consumption device to monitor consumer interaction with the electronic information based on the consumer's interaction with the unit of information currently being consumed." The consumer variables are representative of information related to *end users* and not *publishers* as the invention of <u>Dedrick</u> is directed to a method and apparatus for providing electronic advertisements to *end users*.

Applicants also submit that the Examiner's rejection is traversed by the arguments herein as <u>Dedrick</u> does not disclose sending selected attributes to be automatically associated with a marketing object container. The Examiner conceded that <u>Dedrick</u> does not disclose automatically associating attributes, but cites <u>Angles et al.</u> for the proposition that HTML automatically associates attributes.

The Examiner stated that "[T]he disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant" (page 8 of the Office Action). However, Applicants submit that the functionality and uses of HTML does not disclose nor render obvious, even in combination with <u>Dedrick</u>, the Applicants' claimed invention. The HTML tags of <u>Angles et al.</u> are not marketing attributes, and specify only the display,

format, and parsing of material. Marketing attributes describe "...what marketing objects can be received by the marketing object container, the relationship of a particular marketing object container to other marketing object containers, or the timing and priority of the display of marketing objects" (paragraph 2, page 15). The marketing attributes of the Applicants' claimed invention relate to the marketing, merchandising, or targeting of advertising material (pgs. 16-17 of the specification), not the parsing, formatting or display of material. Further, HTML "tags" are not automatically associated with objects or object containers and must be manually assigned or "authored" (column 6, lines 41-44).

In Angles et al. the functions or uses that are automatically performed are described as being the interpretation of HTML tags used to parse and display a document via a Web browser. Embedding HTML tags does not send a "selected attribute to be automatically associated with the marketing object container," as in Applicants' claim 1. HTML requires manual placement of tags which are different than the attributes of Applicants' claimed invention which are *automatically* associated.

Angles et al. teaches non-automatic association, disclosing that HTML documents must be authored, created in response to a request, or that one must embed or mark documents with tags (column 6, lines 37-51; column 13, lines 8-11; column 18, lines 34-37). Angles et al. discloses the non-automatic association of tags, which teaches away from Applicants' claimed invention and, therefore, the Examiner's rejection is improper.

As the Examiner stated, HTML is a coding convention or set of codes for attaching presentation and linking attributes to informational content. HTML can perform automatic functions or uses for *presentation, display, parsing,* and *linking* informational content via the Web (column 6, lines 50). However, none of these functions disclose the Applicants' claimed invention of "sending the selected attribute to be automatically associated with the marketing object container," as defined by the Applicants' specification. The Examiner mistakenly equates the automatic parsing, formatting and display functions of HTML as disclosed in <u>Angles et al.</u> with the automatic association of marketing attributes with marketing object containers of the Applicants' claimed invention, which are related to contextual development of advertising and not the presentation or display of content.

Given that neither <u>Dedrick</u> nor <u>Angles</u> either individually or in combination suggest the automatic association of the attributes, as defined by the Applicants' specification and claimed in claim 1, there is no basis for an obviousness-type rejection. Furthermore, as neither the individual references nor the cited combination of <u>Angles et al.</u> and <u>Dedrick</u> yield the claimed invention, Applicants respectfully request withdrawal of the obviousness rejection and submit that claim 1 is in condition for allowance.

Furthermore, as the Examiner cited similar reasoning in rejecting independent claim 6, this claim should be allowable for those reasons as stated above. Additionally, as independent claim 15 was rejected under 35 U.S.C. §103 as being obvious in light of <u>Dedrick</u>, Applicants also submit that this claim is in condition for allowance for similar reasons as discussed above. For reasons similar to those presented in support of claim

15, independent claim 16 should be allowable. With regard to dependent claims 2-5, 7-14 (with the exception of claim 13 which is cancelled by Applicants' amendment filed herewith), and claim 17 these claims are also allowable as they depend from independent claims 1, 6, 15, and 16 which are allowable for the reasons stated above.
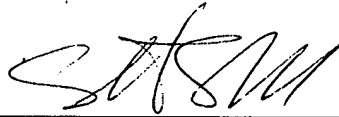
Conclusion

Based on the above amendment and remarks, Applicants have traversed the rejections in the Office Action of June 10, 2002 in light of the responsive arguments submitted herewith. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

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